

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

YSIDRO VALENCIA §  
VS. § CIVIL ACTION NO. 9:13-CV-43  
BRAD LIVINGSTON, *et al.*, §

**MEMORANDUM OPINION AND ORDER DENYING PLAINTIFF'S MOTION TO  
RECUSE MAGISTRATE JUDGE**

Came on for consideration, Plaintiff's Motion to Recuse. *See* docket entry nos. 83, 98 & 99. The complaint in this case was referred to United States Magistrate Judge Keith F. Giblin pursuant to 28 U.S.C. § 636(b).

Plaintiff, Ysidro Valencia, a state prisoner currently confined at the Gib Lewis Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983.

Analysis

Plaintiff seeks recusal of United States Magistrate Judge Keith F. Giblin. Plaintiff cites no authority to request the recusal and does not include an affidavit. The Court will treat the motion simply as one for recusal under 28 U.S.C. § 455.

The main thrust of plaintiff's motions to recuse is plaintiff disagrees with the rulings entered thus far by the United States Magistrate Judge Keith Giblin. He also complains of the timeliness of various rulings. "[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion." *Liteky v. United States*, 510 U.S. 540, 555, 114 S.Ct. 1147, 127 L.Ed.2d 474 (1994).

Where the grounds for recusal arise solely in the course of the judicial proceedings, judicial rulings will only “in the rarest circumstances evidence the degree of favoritism or antagonism required.” *Id.* Plaintiff has not shown any favoritism or antagonism on the part of the United States Magistrate Judge assigned to this case. Plaintiff merely disagrees with the specific rulings by the court on motions and routine case management matters. It is, therefore,

**ORDERED** that plaintiff’s Motions to Recuse (docket entry nos. 83, 98 & (99) are **DENIED**.

**SIGNED this 17th day of February, 2015.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE